



**LEESBURG BOARD OF ARCHITECTURAL REVIEW
BUSINESS MEETING MINUTES**

**Monday, 15 December, 2014
Town Hall, 25 West Market Street
Council Chamber**

MEMBERS PRESENT: Chairman Edward Kiley, Vice Chairman Reimers, Parliamentarian Dale Goodson, Richard Koochagian, Mark Malloy and Dieter Meyer

MEMBERS ABSENT: Teresa Minchew, Planning Commission Representative Lyndsay Welsh Chamblin and Town Council Representative Tom Dunn

STAFF: Attorney Liz Whiting, Preservation Planner Tom Scofield, and Planning & Zoning Assistant Deborah Parry

Call to Order and Roll Call

Chairman Kiley called the meeting to order at 7:02pm, noted attendance and determined that a quorum was present.

Adoption of the Meeting Agenda

Mr. Meyer moved to adopt the meeting agenda as submitted.

The motion was seconded by Mr. Koochagian and approved by a 6-0-1 vote (Minchew absent)

Approval of Meeting Minutes

a. October 20, 2014 BAR Meeting

Mr. Meyer moved to adopt the meeting minutes as submitted.

Vice Chairman Reimers stated he would abstain from the vote as he was not present for the October 20, 2014 meeting.

The motion was seconded by Mr. Goodson and approved by a 5-0-1-1 vote (Reimers abstained and Minchew absent).

BAR Member Disclosures:

Vice Chairman Reimers stated he lives across the street from the property at 234 Cornwall Street NW, which is the subject of TLHP-2014-0119 and TLHP-2014-0120; however, this will not impede his ability to act on these applications.

Public Comment and Presentations

None

Consent Agenda

a. TLHP-2014-0120, 218 Cornwall Street NW

Project: Rehabilitate barn and construct addition

Mr. Meyer moved to approve the consent agenda.

The motion was seconded by Mr. Malloy and approved by a 6-0-1 vote (Minchew absent).

Petitioners

There were no petitioners.

Continued & Deferred Cases in the H-1 Overlay District

a. TLHP-2014-0090, 234 Cornwall Street NW

Project: Erect a prefabricated, detached garage and extend gravel driveway

Mr. Kiley stated the public hearing for this application has been closed.

Mr. Scofield stated the applicant for this case is still working with their contractor to obtain the additional information requested by the Board and asks that the case be continued to the January 21, 2015 meeting. He stated this date is beyond the 75 day critical action date; however, the applicant has agreed to an extension.

Mr. Goodson moved to continue TLHP-2014-0090 to the January 21, 2015 meeting.

The motion was seconded by Mr. Koochagian.

Mr. Meyer offered a friendly amendment to add to the motion that the continuance is at the applicant's request.

The friendly amendment was accepted by Mr. Goodson and Mr. Koochagian.

The motion was approved by a 6-0-1 vote (Minchew absent).

b. TLHP-2014-0108, 204 South Street SE and 203 Royal Street SE (MacDowell Brew Kitchen)
Project: Install masonry walls, picket fence, plantings and lighting

Mr. Kiley stated the public hearing for this application remains open.

Mr. Scofield stated this application was continued from the November 17th meeting at the request of staff. He stated the owner of this property recently received rezoning approval with 24 conditions, several of which are addressed in this application. Further, he outlined the proposal as follows:

1. Erection of a wood picket fence 42 inches in height, even with the façade of 204 South Street SE, with associated plantings.
2. Erection of a wood picket fence 42 inches in height, along the sidewalk and property line fronting on Harrison Street SE, with associated plantings.
3. Maintenance of the existing wood picket fence along the sidewalk and property line fronting on South Street, until such time as the plans for the new sidewalk and retaining wall are prepared (future COA application).
4. Erection of a "solid wood fence" on top of the existing masonry wall for a total height of 7 feet located along the property line between 204 South Street and 206 South Street.
5. Construction of a new masonry wall eight (8) feet in height that will run along the side and rear property line between 204 South Street SE and 206 South Street SE replacing the existing wood fence.
6. Construction of a new masonry wall seven (7) feet in height that will run along the former property line between 204 South Street SE and 203 Royal Street SE replacing the existing wood fence.
7. Construction of a new masonry wall eight (8) feet in height that will run along the wall of the small office building at 203 Royal Street SE.
8. Erection of a "solid wood fence" eight (8) feet in height with associated plantings located along the property line between 203 Royal Street SE and the rear yard of 205 Royal Street SE.
9. Modifications to the landscape islands located at the entrance to the parking lot at 203 Royal Street SE.
10. Installation of site lighting.

Mr. Scofield stated the structure at 204 South Street SE was built circa 1910 and is a contributing resource in the Leesburg National Register Historic District and the Old and Historic District. He stated the location for the proposed fences and walls are shown on the Conceptual Site Plan included with the rezoning application. He stated all fences, walls and lighting as proposed will result in an appropriate appearance compatible with the design guidelines and Zoning Ordinance requirements. He stated in addition to the 42-inch picket fence, plantings including street trees, shrubs and seasonal container plantings should be maintained in a manner that screens view of the restaurant outdoor seating from the public sidewalk along Harrison Street SE at all times of the year. Further, he recommended approval with the following conditions:

1. Fences and walls shall be constructed in the locations shown in Exhibit A of the staff report.

2. The row of Arbor Vitae associated with the picket fence in Proposal 1 shall be planted north of the picket fence on the outdoor seating area side, not south of the face as shown on the Conceptual Site Plan associated with the rezoning.
3. The eight (8) street trees (Crape Myrtles) along Harrison Street SE shall be planted inside (east) of the picket fence in Proposal 2 interspersed with shrubs and seasonal container plantings maintained in a condition that screens view of the outdoor seating area from the public sidewalk at all times of the year.
4. The vertical pickets on the fences associated with Proposals 1 and 2 shall be installed with no space between pickets and placed on the outward side of the rails, facing the street.
5. The picket fences associated with Proposals 1 and 2 shall be painted with a paint that matches the 'Italian Lace' color as submitted by the applicant.
6. The proposed retaining wall, five (5) street plantings, and replacement wood picket fence located in the front yard of 204 South Street SE shall be approved under a future (COA).
7. The vertical boards on the fences for Proposals 4 and 8 shall be installed with no space between boards and placed on the outward side of the rails, facing the neighboring property.
8. The vertical board fences associated with Proposals 4 and 8 shall be stained to match the 'New Redwood' color as submitted by the applicant.
9. The masonry brick walls 7-feet and 8-feet in height associated with Proposals 5, 6 and 7 shall be constructed using brick that matches the sample provided by the applicant. The wall shall be a minimum of 20 inches in cross section.
10. The exterior light fixtures for the outdoor seating area are approved as submitted in the locations shown on the Conceptual Site Plan.

The applicant, Gordon MacDowell was present.

Mr. Koochagian asked the height of the light fixtures.

Mr. MacDowell stated the lights come on a pole and can be cut to size and stated his proposal would be that the lights be 5-feet high.

Mr. Meyer addressed proposed condition 9 and asked staff's reasoning for the proposed wall thickness of 20 inches.

Mr. Scofield stated in speaking the applicant, it was determined that 20 inches was an appropriate thickness.

Mr. MacDowell stated there may have been a misunderstanding in that the brick piers for the wall will be approximately 20 inches thick; however, the rest of the wall will be approximately 12-16 inches.

Mr. Meyer stated the dimensions show 7 to 8-feet to the top of the pier at various places and asked if that was the intent or if that measurement is to the top of the wall.

Mr. MacDowell stated those measurements are to the top of the pier and the top of the wall will be approximately three courses of brick shorter.

Mr. Meyer asked if that proposed height would be in compliance with the rezoning proffers.

Mr. Scofield stated the Zoning Administrator uses a rule of thumb of "in substantial compliance" and he would need to interpret whether the proposed height is acceptable.

Mr. Meyer stated this also comes into play with the wood fences where the height is to the top of the post.

Vice Chairman Reimers verified information has not been provided regarding the mortar color or strike on the brick and stated he would be comfortable with allowing staff to review and approve those details.

Mr. Malloy asked if the applicant is in agreement with the proposed staff conditions.

Mr. MacDowell stated he was not aware of proposed condition 2 requiring that the Arbor Viata be moved behind the picket fence. He asked why that proposal was suggested by staff.

Mr. Scofield stated there is a residential feel and flow to the neighborhood in which 204 South Street is located and if the Arbor Viata is placed in front of the fence at some point the growth will obscure the fence from public view.

Mr. Koochagian stated given the proximity to the second picket fence in proposal 3 to the property line, would this also obscure view of that fence.

Mr. Scofield stated the picket fence noted in proposal 1 has to be constructed per the rezoning approval; however, the existing fence in proposal 3 could potentially be removed as part of a future Certificate of Appropriateness application.

Mr. MacDowell stated he is concerned with the request to place the Arbor Viata behind the picket fence as it will take away from the seating area.

There were no petitioners and the public hearing was closed at 7:36pm.

There was further discussion regarding placement of the Arbor Vitae and general consensus that the plantings would be appropriate as proposed by the applicant.

Mr. Malloy moved that TLHP-2014-0108 be approved with staff conditions with the exception of proposed condition 2 and with the following clarifications:

1. The Arbor Vitae may be planted as proposed by the applicant.
2. The fence indicated under proposal 8 will be extended to the corner behind the house.
3. The brick walls piers are acknowledged as being 20-inches square and the walls 12-inches thick.
4. The tops of the walls are 7-feet four-inches tall with the tops of the piers being 8-feet with corresponding walls having piers 7-feet in height and walls 6-feet four-inches tall.
5. The mortar color will be submitted by the applicant to staff for approval.

The motion was seconded by Mr. Meyer.

Mr. Koochagian proposed a friendly amendment that the tooling of the brick will also be submitted to staff. Further, he also proposed a clarification that the street lighting be indicated as a maximum of 5-feet in height as measured to the light source.

The friendly amendments were accepted by Mr. Malloy and Mr. Meyer.

The motion was approved by a 6-0-1 vote (Minchew absent).

Public Hearings on New Cases in the H-1 Overlay District

b. TLHP-2014-0119, 218 Cornwall Street NW

Project: Construct addition on house

Chairman Kiley opened the public hearing at 7:41pm.

Mr. Scofield outlined the request to construct an addition on the west side of the existing historic and contributing building containing the master bedroom suite and to construct a covered porch addition on the rear (north side) of the building. He reviewed the pertinent sections of the design guidelines stating most elements of the design are appropriate; however, he expressed concern with the proposed roof configuration for the projecting bay on the west side and the large expanse of exposed brick veneer foundation on the under the master suite addition. Further, He recommended approval of the application with the following conditions:

1. Information should be provided by the applicant regarding how the master suite addition will be attached to the existing house and what will happen to building materials and architectural features that are currently on the exterior of the building.

2. The projecting bay on the west side of the master suite shall be a gable roof, rather than a hipped roof, consistent with the cross gable on the historic building.
3. The brick veneer foundation under the master suite addition shall be designed to include simulated brick piers at each corner of the addition with recessed brick veneer panels between the corners.

The applicant Mark Salser and architect Tom Gilbride were present.

Mr. Goodson confirmed the applicant intends for the paint color on the addition to match the existing structure.

Mr. Meyer asked the applicant's preference for the roof configuration over the bay window.

Mr. Salser stated he is fine with the recommended gable roof.

Mr. Gilbride stated he prefers the gable roof design.

Mr. Meyer asked the applicant's preference regarding the brick veneer detail as proposed by staff.

Mr. Gilbride stated the brick is tucked underneath the foundation with a wood water table trim. He expressed concern that setting the brick back will create a small ledge that may create a character not typical of this type of property.

Mr. Salser stated the proposed brick detail would create a conflict with the other side of the house.

Mr. Meyer asked the applicant to address staff's concern regarding how the new addition will be attached and what will happen to any historic materials that are removed.

Mr. Salser stated most of the rear of the structure is a non-historic wood deck. He stated there is a window on the side that will be closed in and another will become a doorway.

Mr. Gilbride stated the window framing will remain; however, the window will be closed in. He stated the trim is typical moulding. Further, he stated the fireplace will remain behind the new stud walls.

Vice Chairman Reimers confirmed the applicant would be willing to saving the window sashes and storing them in the house.

There were no petitioners and the public hearing was closed at 7:54pm.

Mr. Malloy stated he has no objection to the foundation being flush or with the proposed gable end roof configuration for the bay window.

Mr. Reimers stated he has no issue with the flush brick or the proposed roof form; however, he would like to ensure that the historic windows to be removed are stored on site.

Mr. Koochagian stated he has no issue with the brick veneer as submitted. He stated he does have concerns with the massing and scale of the western addition as well as the proposed rhythm of the windows. Further, he stated the shutters on the protruding bay appear to have single shutters and asked if the shutters would be bi-fold to give the appearance of covering the entirety of the window.

Mr. Gilbride stated the shutters are proposed to be single to mimic the rest of the house.

Mr. Meyer asked if the shutters are original to the house.

Mr. Salser stated he believes the shutters are original to the house.

Mr. Gilbride stated he believes some of the shutters were added later.

There was further discussion regarding the shutters and rhythm of windows.

Mr. Meyer moved to approve TLHP-2014-0119 with the following conditions:

1. The projecting bay on the west side of the master suite shall be a gable roof, rather than a hipped roof, consistent with the cross gable on the historic building as preferred by the applicant.
2. The new shutters, whether single or double, will be functional and proportioned to the size of the window openings.

The motion was seconded by Vice Chairman Reimers and approved by a 5-1-1 vote (Koochagian opposed and Minchew absent).

c. TLHP-2014-0115, 112 Edwards Ferry Road NE

Project: Demolish contributing building for courthouse expansion

d. TLHP-2014-0116, 110 Edwards Ferry Road NE

Project: Demolish contributing building for courthouse expansion

e. TLHP-2014-0117, 108 Edwards Ferry Road NE

Project: Demolish contributing building for courthouse expansion

f. TLHP-2014-0118, 106 Edwards Ferry Road NE

Project: Demolish contributing building for courthouse expansion

Chairman Kiley opened the public hearings for TLHP-2014-0115, TLHP-2014-0116, TLHP-2014-0117 and TLHP-2014-0118 at 8:11pm.

Mr. Scofield outlined the proposal to demolish four contributing historic buildings at 106, 108, 110 and 112 Edwards Ferry Road NE, primary resources in the Leesburg National Register Historic District and locally designated Old and Historic District, to construct a new courthouse facility. He provided an overview of the procedure for review of demolition requests as outlined in the Zoning Ordinance and design guidelines stating the properties are historic and contributing and no information has been provided to indicate that any of the buildings may be structurally unsound or pose a risk to the public. He stated several designs have been developed by the applicant for the new courthouse; however, none of them retain one or more of the historic resources in place due to the proposed design/footprint of the court house, stormwater infrastructure and staging for construction. Further, he recommended that review of these applications be continued to a mutually agreed upon date that may include a series of meetings and encouraged the Board to keep the public hearing associated with their review open over the course of the meetings to allow for ongoing comment by concerned citizens and other affected parties.

The applicant, Marlene Shade, Dewberry Consultants, stated this process began over a year ago to understand the programming needs and design needs for the proposed courthouse structure. She stated preliminary design options have been identified which will be presented to the Board in January. She stated archeology and geotechnical studies are ongoing and the rezoning applications for the Church Street and Pennington lots will be submitted prior to the holidays. Additionally, meetings have been ongoing with various Town and County staff members to discuss storm water management, utility relocation, project safety issues including the closure of Church Street during construction. Further, she stated she looks forward to working with the Board in the coming year on the various approvals needed for this project.

David Austin, resident of Leesburg, addressed the Board. He stated he is in the process of acquiring a property at 211 Edwards Ferry Road NE and has had preliminary discussions with Loudoun County staff regarding the possibility of relocating two of the structures proposed for demolition to his property.

Christina Hingle, resident of Leesburg, addressed the Board. She stated she has an interest in historic preservation and while she understands the need for expansion of the courthouse campus

within the limited space available, she believes that the four structures in question need to be preserved at all costs. She stated she does not understand why the applicant feels the structures cannot be retained and urged the County to consider shifting the footprint of the courthouse building to preserve the structures. She stated Leesburg is unique in the number of historic structures still in place and stated that while these structures may not be the most immaculate in Town, they are representative of the Town's history and must be preserved.

The following letter was submitted by Tracy Coffing, former Board member and Leesburg resident, and was made part of the public hearing record:

"I regret that I cannot personally attend this evening's Board of Architectural Review meeting. I am writing to express my concern about the proposed Courthouse expansion project, which includes the demolition of 106, 108, 110 and 112 Edwards Ferry Road. I understand the demolition of these structures has been proposed to accommodate the infrastructure for storm water management.

Having served on the BAR from 2004 to 2012, I have no doubt the Board will carefully consider the proposed design and demolition plans and work with the County to ultimately develop a plan which is in the best interests of the preservation of Leesburg's Old and Historic District (O&HD). That said, I am hopeful the Town, County and project architect will agree on an innovative strategy to accommodate storm water management for the project, while preserving and properly maintaining these historic structures.

These are not grandiose buildings. Nevertheless, they are representative of 19th century residential development, within a contiguous block, in Leesburg's O&HD. Obviously, these buildings have undergone some alterations and renovations over the years; they exhibit replacement siding, roofing materials, window sash and doors. However, they have all retained their overall form (size, massing, scale and style) and continue to 'read' as 19th vernacular residential buildings.

I have reviewed the staff report on these properties. I hope the Board will concur with the assessment and recommendation for further analysis and consideration of the proposed development and demolition. I also urge the BAR to allow the public hearing to remain open for on-going participation and input from the community."

There were no further speakers.

Ms. Shade stated this isn't a matter of not looking at the houses within all the plans and studies that have been conducted. The houses were considered; however, given the 92,000 square foot size requirement for the courthouse structure and the other site and utility issues on the property, it was not a possibility to keep these structures in place.

Mr. Goodson asked if Ms. Shade would agree to staff's proposed meeting schedule and timeline.

Ms. Shade stated it may be difficult to schedule a tour of the four structures prior to the holidays and asked that the Board consider January 14 and 15 for site visits. Further, she requested a work session discussion for February 2nd to bring the concepts and other project information forward.

Mr. Koochagian stated in reviewing the information provided by the applicant and in the presentation tonight he has not heard that any consideration was given to reviewing the Town's Old and Historic District Guidelines. He asked if consideration was given to the guidelines in developing the conceptual designs put forth and the proposal for demolition of these structures.

Ms. Shade stated she has certainly reviewed the guidelines. She stated she is not prepared to give a full presentation this evening, the guidelines were considered in developing the massing, proportion, site development while being sensitive to the courts campus. She stated it is a new concept for Leesburg to expand the campus across Church Street to capture the vacant parking lot; however, when that is done it becomes part of the campus. Further, she stated everything that has been considered was done with the premise of looking at the campus in total and creating a structure that

is subservient to the historic courts structures while still incorporating the programing needs of the courthouse.

Mr. Koochagian stated it appears from the information provided that the underground storm water vaults are the reason for the proposed demolition. He stated looking at the conceptual designs he sees is a traditional building with large massing, but he does not see anything to mitigate the stormwater runoff. He stated perhaps other mitigation options are being considered, such as green roofs, to preserve the historic structures, reduce stormwater runoff and make this a building of its time.

Ms. Shade stated numerous options were considered in working to meet the new storm water regulations adopted by the State this year and as a result the team chose what was felt to be the best decision. She stated after reading the staff report for this meeting, the team will be revisiting that decision and reviewing whether other alternatives might be available. She stated she does not believe that in this case a green roof would be allowed to meet all of the calculations. Further, she stated all of the comments provided by the Board will be thoroughly considered and vetted prior to the next meeting.

Mr. Meyer asked if the stormwater management design is still in the conceptual phase or has it moved further along.

Ms. Shade stated the stormwater management is still in the concept phase; however, there are various offsite issues which make the design of the solution very difficult.

Mr. Meyer verified the applicant has been working with the Town throughout the process.

Ms. Shade stated the courthouse design team meets with Town staff every four to six weeks to discuss the progress of the project.

Mr. Meyer asked if the Town has provided any guidance as to the site design and the consideration of demolishing the four contributing structures to accommodate stormwater design needs.

Mr. Scofield stated Town staff has been involved in the process and are working with the applicant on the storm water issues.

Mr. Meyer stressed the need to ensure that all possible alternatives are investigated to possibly find a solution which would allow for the preservation of these four structures.

Ms. Shade stated she will be prepared to outline the various options available at the February 2nd work session.

Mr. Meyer asked that more detail be provided at the February 2nd work session covering all possible options to be considered and good evidence demonstrate that there are simply no other alternatives.

Mr. Koochagian asked that additional staff working on this project be present for the work session.

Vice Chairman Reimers stated the information provided so far is not in and of itself justification for removal of these structures. He stated there are other developments near this site which incorporate historic structures into their design.

Mr. Malloy verified there will be secure parking for judges underneath the courthouse structure.

Ms. Shade stated there are other items required to be on site including a loading area, trash removal area, two chillers, two generators and an additional 8 parking spaces.

Chairman Kiley verified Ms. Shade is authorized to speak on behalf of the County for this project. He asked if the courthouse design team is willing to work with the Board to explore other alternatives to demolition.

Melissa Telos, Courthouse Design Team project manager, confirmed the County is looking forward to having open discussions with the Board. She stated there has been a methodical process behind the programming for the expansion which will meet the needs of the courts through 2025. She stated the site visit was suggested as a starting point for this open dialog and to ensure that the Board has the same information as the design team.

Mr. Malloy asked if there are zoning height and density restrictions in play.

Ms. Telos stated those will be addressed through the rezoning process.

Mr. Malloy asked if consideration had been given to reducing the foot print by increasing the building height or the possibility of accommodating the stormwater vaults within the lower floor of the building.

Ms. Telos stressed the need to ensure the scale of the building is compatible within its context.

Ms. Shade stated the geotechnical study has just begun and additional information will be available at the work session.

Chairman Kiley asked that the design team consider additional options which would retain the four buildings. He stressed the serious nature and the extreme consideration given by the Board to demolition applications. Further, he stated the public hearing will remain open until the conclusion of the process.

Mr. Goodson confirmed staff has recommended that the Board meet on January 5th to determine whether the Board finds the structures to be contributing.

There was further discussion regarding scheduling the site visits for these structures and it was the consensus of the Board that staff should work with the design team to determine two dates which would be advertised for the site visits.

Mr. Goodson moved to continue discussion of TLHP-2015-0115, TLHP-2015-0116, TLHP-2015-0117 and TLHP-2015-0118 to the January 5th work session in accordance with the review scheduled proposed by staff and with the understanding that the scheduled could be subject to change.

The motion was seconded by Vice Chairman Reimers.

Mr. Meyer asked that staff work with the applicant to determine if any alterations may be needed to the schedule and that if so, staff is to provide a revised schedule to the Board.

Mr. Goodson further amended the motion to clarify that the public hearing will remain open.

The motion was approved by a 6-0-1 vote (Minchew absent).

Administrative Approvals

- a. TLHP-2014-0112, 10-C South King Street (Capitol Productions Television LLC) – Sign**
- b. TLHP-2014-0113, 103 Chesterfield Place SW – Fence**
- c. TLHP-2014-0114, 212 Loudoun Street SE (Lovesome Photography) - Sign**

Zoning Violation Cases

Old Business

- a. Proposed amendments to BAR Bylaws**

There was no discussion of this item.

- b. Review of the Design Guidelines**

Mr. Meyer clarified that he had suggested this review for a designated work session within the coming year to review the design guidelines and any possible revisions.

New Business:

a. Adoption of the meeting schedule for 2015

There was discussion regarding the date for the December 2015 meeting and it was determined that the meeting would be scheduled for Monday, December 21 and moved to the basement of Town Hall should it conflict with the Town Council work session.

Vice Chairman Reimers moved to adopt the meeting schedule for 2015 with the amendment as outlined above.

The motion was seconded by Mr. Koochagian and approved by a 6-0-1 vote (Minchew absent).

Adjournment: The meeting was adjourned at 9:43pm.

Edward Kiley, Chair

Deborah E. Parry, Planning & Zoning Assistant